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information, such that the certain pieces of information over time, become better targeted to users having an interest in said information and hence said method is self-tailoring.

In Claim 14, line 2 of that claim, before "information" and after "source of" insert --displayable--.

In Claim 15, line 2 of that claim, before "information" and after "source of" insert --displayable--.

In Claim 18, line 2 of that claim, after "recording" delete "provides" and insert instead --builds--.

#### REMARKS

In response to the Notice of Draftsperson's Drawing Review, formal drawings of the figures are being filed concurrently with this Amendment.

Claims 1-28 have been rejected under 35 U.S.C. § 102e as being anticipated by Wilkins (U.S. Patent No. 5,446,919).

In support of this rejection, the Examiner appears to compare:

(i) the demographic/psychographic profile information in Wilkins to the aggregate information of the present invention (see numbered subparagraphs 1, 9 and 10 of pages 2-4 the Office Action at hand);

(ii) the head end decoder 12 and home channel selector decoder 100 of Wilkins to the tracking and profiling member of the present invention (see numbered subparagraphs 1, 4, 6, 12 and 13 of pages 2-4 of the Office Action at hand); and

(iii) the home channel selector/decoder 100 storage of demographic/psychographic information in Wilkins to the recording of user activity in response to and during viewing of aggregate

information in the present invention (see numbered subparagraphs 1 and 13(d) on pages 2 and 4 of the Office Action).

However, in a fair reading of the cited art, Wilkins discloses a cable network in which demographic/ psychographic data of subscribers is stored at the cable service video source end and transmitted to a channel selector decoder 100 at the subscriber home end. Target profiles of desired recipients of a program/ commercial are inserted in the programs/commercials. The channel selector decoder 100 receives the target profiles and compares them to the demographic/psychographic data of the subscriber. If the selector decoder 100 determines that the target and subscriber profiles match, then the selector decoder 100 enables the program/commercial to be displayed to the subscriber.

In more particular terms, Wilkins discloses a television cable network system having a cable service end and a subscriber home end. At the cable service end, there is a network video source of programs/commercials and a master database 20 of established, known demographic/psychographic profiles of subscribers. The database 20 compiles externally provided data (e.g., compiled lists, publication lists, responder lists) and internally generated data (name, street, ZIP code) of cable subscribers. See Wilkins, column 8, lines 15-29 and Figure 1A. At the network video source, target profiles of the programs/commercials are encoded and inserted into respective programs/commercials. Both the subscriber demographic/ psychographic profiles from the master database 20 and the programs/commercials encoded with target profiles are transmitted across a distribution network 70 to the local cable company. The local cable company (referred to as "cable television head end") receives the subscriber profiles and the programs/commercials,

and combines them for transmission to homes of subscribers. See column 8, line 42-column 9, line 11, column 9, lines 32-40 and 60-64 and Figure 1B of Wilkins.

Each subscriber home contains a channel selector/ decoder 100. The selector decoder 100 monitors, decodes and stores the received subscriber profiles. The selector decoder 100 also monitors channels (programs/commercials transmitted by the cable television distribution network) being viewed and obtains target profiles previously encoded and inserted into the programs/commercials. Lastly, the selector decoder 100 compares the decoded subscriber profiles to the target profiles and switches to the appropriate viewing channel (program/commercial). See column 9, line 65-column 10, line 11 of Wilkins.

Thus, Wilkins discloses the use of established, known, existing demographic/psychographic profiles of subscribers for determination and selection of programs/commercials in a TV cable network. As such, Wilkins does not imply or suggest a computer method and apparatus to create (initially establish) psychographic/demographic profiles of computer users which is the subject matter of the present invention.

In particular, the present invention is directed to initially forming a user psychographic/demographic profile based on user request for, response to and interaction with certain screen views during display of these screen views through a computer system. The certain screen views are formed of agate information, and the interaction/response by the computer user is defined by physical activity detectable through movement of a cursor and selection of portions of the displayed screen view.

To that end, the present invention tracks and records user requests and interaction with respect to displayed agate information, for the purposes of creating psychographic/

demographic user profiles. In contrast, Wilkins utilizes existing subscriber psychographic/ demographic profiles for display of programs/commercials in a cable television system with minimal to no user/subscriber interaction. The foregoing patentable distinctions of the present invention over Wilkins will be more easily understood by the following overview of the present invention.

In the present invention, a user's psychographic profile is not yet known. Thus, a major object of the present invention apparatus and method is to formulate or create such a psychographic profile of a computer user. To that end, the present invention method and apparatus provide display of agate information which includes stock and market data, theater and television schedules, sports statistics, weather information, travel information, directory information and any other time sensitive reference information that is not read linearly. See Specification page 1, lines 4-15 and page 4, lines 31-34 as originally filed. In part, such agate information effectively serves as a stimulus to evoke a response of the computer user viewing the agate information as displayed on his computer terminal.

A tracking and profiling member of the present invention operates during user viewing of the displayed agate information. The tracking and profiling member records indications of actual physical activity/response by the user with respect to the agate information being viewed by the user. The physical activities recorded by the tracking and profiling member are then used to formulate and generate the behavioral or psychographic profile of the computer user. Over time, the tracking and profiling member holds a history and/or pattern of user activity which in turn is interpreted as the user's habits and/or preferences. To that

end, a psychographic profile is inferred from the recorded activities in the tracking and profiling member. See Specification page 3, lines 4-17, page 7, lines 1-26, page 9, lines 11-18 and Figures 1 and 2 as originally filed.

Further, the tracking and profiling member record presentation (format) preferences of the users based on user activity/interaction with the screen views displaying the agate information. Preferences with respect to color schemes, text size, shapes and the like are recorded as part of the psychographic profile of a user. In turn, the psychographic profile defined and generated by the tracking and profiling member enables the data assembly to customize future presentation (format) of agate information, per user, for display to the user. See Specification page 7, line 32-page 8, line 4, page 8, lines 9-13 and 24-34, and page 11, line 26-page 12, line 10 of the Specification as originally filed.

Thus in contrast to the Examiner's reasons summarized above, (i) the agate information of the present invention is not the subscriber psychographic/demographic profile data in master database 20 of Wilkins, (ii) the tracking and profiling member of the present invention is not the decoders 12,100 of Wilkins, and (iii) the present invention recording of user activity in response to and during viewing of agate information is not the home end storage by decoder 100 of psychographic/demographic information in Wilkins.

Even if a broad reading of the present invention term "agate information" includes subscriber profile information of Wilkins, the agate information is displayed to users in the present invention as now claimed. In contrast, Wilkins does not display his subscriber profile information to the user/subscriber but rather displays programs/commercials based on subscriber

profile. (See Wilkins, column 10, lines 1-11 and column 11, lines 20-48.) Further, where the end user/subscriber in Wilkins does not view the subscriber profile/agate data, then Wilkins does not disclose "...a tracking and profiling member recording indications of physical activity by the user during viewing of the displayed requested agate information..." (emphasis added) as in the claimed present invention.

Lastly, if the "agate information" of the claimed invention is read to include the subscriber psychographic/demographic profiles of Wilkins, then there cannot be any recording of user requests for and response to the display of the same for purposes of creating the same psychographic profile, as recited in the now claimed present invention. Such initial creation/formation of a psychographic profile is not addressed in Wilkins, and thus Wilkins does not anticipate the present invention as now claimed. Instead, in Wilkins the demographic/psychographic profiles of subscribers is given by master database 20 as a compilation from a variety of sources. It is possible that the present invention could be one of those sources.

Accordingly, a key patentable distinction of the present invention as now claimed over the cited art is the initial formation/creation of psychographic profiles of users, using display of agate information and tracking and recording of user requests for and response to said displayed agate information.

The foregoing patentable distinction of the present invention over the prior art is recited in the base claims (Claims 1, 9 and 13) as now amended with the language, or similar language:

"...computer apparatus for initially creating a psychographic profile of a user comprising:

a data assembly for providing and supporting display of agate information to users...

a tracking and profiling member responsive to the data assembly upon display of the requested agate information, ... the tracking and profiling member recording indications of physical activity by the user during viewing of the displayed requested agate information, said physical activity being with respect to the displayed requested agate information and including user response to the displayed requested agate information,...said recorded indications of physical activity by the user generates a psychographic profile of the user."

Support for the now added claim language is found at least on Specification page 7, lines 20-26, page 7, line 32-page 8, line 4, page 9, lines 11-18 and page 12, line 28-page 13, line 23, as originally filed. No new matter is being introduced.

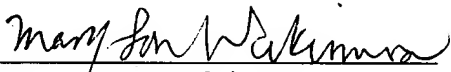
Dependent Claims 2-8, 10-12 and 14-28 depend from one of these base claims and thus incorporate the foregoing patentable distinctions of the present invention over the cited art. Acceptance is respectfully requested.

In view of the foregoing amendments and remarks, it is believed that the present invention as now claimed is not suggested or anticipated by Wilkins and that the rejection under § 102 is unsupported. Reconsideration of the rejection is respectfully requested.

Accordingly, Claims 1-28 as now amended are believed to be in condition for allowance, and such allowance is respectfully requested such that the application may pass to issue.

If the Examiner believes that a telephone conference will expedite the prosecution of the present application, then he is invited to call the undersigned.

Respectfully submitted,

  
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